

## CHAPTER 163

H.B. No. 2183

## AN ACT

relating to the punishment for the purchase, possession, or consumption of alcoholic beverages by a minor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 106.02(c), Alcoholic Beverage Code, is amended to read as follows:

(c) If a person has been previously convicted of a violation of this section, or of Section 106.04 or 106.05 of this code, a violation is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

SECTION 2. Section 106.04(d), Alcoholic Beverage Code, is amended to read as follows:

(d) If a person has been previously convicted of a violation of this section, or of Section 106.02 or [Section] 106.05 of this code, a violation is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

SECTION 3. Section 106.05(d), Alcoholic Beverage Code, is amended to read as follows:

(d) If a person has been previously convicted of a violation of this section, or of Section 106.02 or [Section] 106.04 of this code, a violation is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

SECTION 4. Chapter 106, Alcoholic Beverage Code, is amended by adding Section 106.115 to read as follows:

*Sec. 106.115. ATTENDANCE AT ALCOHOL AWARENESS COURSE. (a) On the first conviction of a minor of an offense under Section 106.02, 106.04, or 106.05 of this code, the court, instead of assessing a fine as provided by those sections, may require the defendant to attend an alcohol awareness course approved by the Texas Commission on Alcohol and Drug Abuse or a similar alcohol awareness course approved by the court. If the defendant is younger than 18 years of age, the parent or guardian of the defendant may attend the course with the defendant. The court shall require the defendant to present evidence to the court, in the manner prescribed by the court, of satisfactory participation in and completion of the course.*

*(b) If the conviction under Section 106.02, 106.04, or 106.05 of this code is for a second or subsequent offense, the court shall require the defendant to participate in an alcohol awareness course in addition to paying the fine assessed under that section. If the defendant is younger than 18 years of age, the parent or guardian of the defendant may attend the course with the defendant.*

*(c) If the defendant resides in a rural or other area in which access to an alcohol awareness course is not readily available, the court may require the defendant to perform eight to 12 hours of community service instead of participating in an alcohol awareness course.*

*(d) When requested, an alcohol awareness course may be taught in languages other than English.*

SECTION 5. This Act takes effect September 1, 1991.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1991, by a non-record vote; the House concurred in Senate amendments to H.B. No. 2183 on May 14, 1991, by a non-record vote; passed by the Senate, with amendments, on May 9, 1991, by a viva-voce vote.

Approved May 24, 1991.

Effective September 1, 1991.

---

## CHAPTER 164

### S.B. No. 729

#### AN ACT

relating to the consumer credit commissioner's publication and authorization of a market competitive rate ceiling and to the implementation of that ceiling.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Article 6.03, Title 79, Revised Statutes (Article 5069-6.03, Vernon's Texas Civil Statutes), is amended by amending Sections (5) and (6) and adding Sections (7) and (8) to read as follows:

(5) The dollar amount of the rate brackets in this Article is subject to adjustment from time to time under Article 2.08 of this Title. As an alternative to the rates or amounts of time price differential provided by Section (3) of this Article, the parties may agree to any rate or amount of time price differential not exceeding a rate or amount authorized by Article 1.04 of this Title *or to the rate or amount of the market competitive rate ceiling published by the Consumer Credit Commissioner as provided in Section (6) of this Article*. The provisions of Article 1.04 of this Title applicable to open-end accounts apply to this Article.

(6)(a) *The Consumer Credit Commissioner shall cause to be published in the Texas Register, in its first publication following September 1 of each year, the market competitive rate ceiling. This ceiling shall be effective on the following October 1 for a period of one year. The ceiling shall be based on an annual percentage rate, whether it is deemed to be interest, time price differential, or other similar charge permitted by the laws of any state, imposed on a person residing in Texas by a creditor in any other state extending credit by the use of a retail charge agreement or a credit card. The rate of time price differential for the market competitive rate ceiling shall not exceed the ceiling in Section (c) of Article 1.11 of this Title or be below the minimum ceiling in Section (b)(1) of Article 1.04 of this Title.*

(b) *Any person residing in Texas may file with the Consumer Credit Commissioner during the months of July and August of each year an affidavit setting forth the annual percentage rate charged such person by a creditor in another state during the preceding six-month period for a retail charge agreement or a credit card transaction. This affidavit shall have attached as an exhibit a copy of the statement of charges showing the accurate annual percentage rate charged. An exhibit may have the name of the Texas resident, street or route or post office box, account and credit card number, and date of expiration deleted. The affidavit may contain more than one exhibit showing the annual percentage rates of a number of such creditors. The rate published under this Section shall be the lowest of the three highest rates of all the annual percentage rates filed with the Consumer Credit Commissioner. Identical rates imposed by different creditors shall be considered separate rates for determining the lowest of the three highest rates.*

(c) *The time price differential in a retail charge agreement resulting from the computation under this Section shall be computed utilizing the average daily balance method. A minimum time price differential not in excess of 75 cents per month may be charged, received, and collected for any billing cycle in which a balance is due. Under this Section, a retail charge agreement may provide for a delinquency charge on each installment in default for a period of more than 10 days in an amount not to exceed five percent of each installment or \$5, whichever is less. Only one such delinquency charge may be collected on any installment regardless of the period during which it remains in default. In addition, such retail charge agreement may provide for the payment of an attorney's reasonable fee when it is referred for*